THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7867 of 1998

DATED: 06.08.2007

Between:

P.Murali and others. .. Petitioners

And

The State of A.P., rep. By its
Prl. Secretary to Govt.,
Industries and Commerce Dept.,
Secretariat, Hyderabad
and others. .. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7867 of 1998

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent in deleting 33 Revenue Villages shown in annexure-P-1 from the total 192 Revenue villages of the fourth respondent as totally arbitrary and illegal, and consequently direct R-1 and R-2 to maintain the original 192 Revenue villages without any deletion of 33 Revenue villages as shown in Annexure-P-1 i.e., 10 villages in Srirangarajapuram (M), 4 villages in Palasamudhram (M), 6 villages in Vedurukuppam (M), 4 villages in Pulicherla (M), 7 villages in Penumuru (M) and 2 villages in Chandragiri (M).

2. The facts, in brief, are as follows: The petitioners are sugar cane growers, agriculturists and also the share holders in the fourth respondent sugar factory, as such, they are interested in the affairs of the fourth respondent factory. Initially, 207 Revenue villages were assigned as the zone area of the fourth respondent factory and after the installation of the Co-operative Sugar Factory at Gajulamandyam and two other factories under the private sector, the factory zone of the fourth respondent was reduced to 192 Revenue villages into 21 Mandals including five Revenue Mandals of the other factory zone vide notification dated 15.03.1992, issued by the second respondent. The petitioners further submit that on the issuance of other licence to

the third respondent factory, the zone villages have been re-allotted by the second respondent vide proceedings dt.17.05.1995, wherein it proposed to retain only 151 Revenue villages in 16 Mandals by deleting the said 33 villages and assigning a new zone area of Palamaner Mandal as the zone areas of the fourth respondent factory

The main grievance of the petitioners is that by the action of the second respondent in deleting the said 33 villages from out of the purview of the fourth respondent factory, the fourth respondent factory will be seriously affected. The petitioners further contend that the fourth respondent factory raised an objection, relating to deletion of the said 33 villages from its purview, by filing an appeal and the matter is under consideration. Further, the petitioners contend that in spite of their repeated representations made in the month of June, 1994, 04.01.1995, 03.09.1996, and also the resolution passed by the General Body on 29.06.1997, the second respondent is not inclined to continue the said 33 villages in the purview of the fourth respondent factory, and hence, they filed this writ petition.

3. Despite the fact that the notices are served on the respondents, they did not choose to file any counter affidavit.

4. Heard the counsel for the parties.

5. From a narration of the events, it is clear that the General Body of the fourth respondent passed a resolution on 29.06.1997 stating that the said 33 villages shall not be deleted from out of the purview of the fourth respondent Sugar Factory, and also the petitioners made representations to the second respondent in the month of June, 1994, on 04.01.1995 and on 03.09.1996 with regard to the deletion of the said 33 villages from out of the purview of the fourth respondent.

Having regard to the facts and circumstances of the case, this Court is of the view that this writ petition is liable to be disposed of and is accordingly disposed of with a direction to the respondents 1 and 2 to consider the representations made by the petitioners in the month of June, 1994, 04.01.1995, 03.09.1996, and also the resolution passed by the General Body of the members of the fourth respondent, and pass appropriate orders according to law. However, as this Court granted interim orders in WPMP.No.9606 of 1998, dated 23.04.1998, directing the respondents 1 and 2 to maintain the original 192 revenue villages without any deletion of the said 33 Revenue villages as shown in Annexure P-1 from the area of operation of the fourth respondent Sugar Factory, the said arrangement shall be continued till passing of the appropriate orders according to law.

Subject to the above directions, this writ petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.06.08.2007
v v